

1 THE HONORABLE RICHARD A. JONES  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,                           } Case No. 2:20-cr-00085-RAJ  
11                                                          Plaintiff,                                            }  
12                                                          v.                                                            }  
13                                                          HARBANS SINGH,                                        }  
14                                                          Defendants.                                              }  
15

---

16                                                           THIS MATTER comes before the Court upon the defendant's Motion for  
17 Reconsideration and *In Limine* request regarding the Court's Order denying permission  
18 to put on a materiality defense. Dkt. 106.

19                                                            “Motions for reconsideration are strongly disfavored.” W.D. Wash. Local Crim.  
20 R. 12(b)(13). “The court will ordinarily deny such motions in the absence of a showing  
21 of manifest error in the prior ruling or a showing of new facts or legal authority which  
22 could not have been brought to its attention earlier with reasonable diligence.” *Id. See also, United States v. Cosgrove*, 454 F. Supp. 3d 1063, 1065 (W.D. Wash. 2020).

23                                                           Having considered the defendant's motion (Dkt. 116), the government's  
24 opposition (Dkt. 135), the defendant's reply (Dkt. 138) and the files and pleadings  
25 herein, the Court finds the defendant has failed to demonstrate manifest error and has  
26 presented no new evidence or law to justify reversal of the Court's prior decision.  
27 Therefore, the defendant's Motion for Reconsideration is **DENIED**.

1       The Court agrees with the observations of the government regarding the  
2 defendant's assertion of new facts as a justification for his motion. From the record  
3 submitted, it appears the claimed "new facts" were produced to the defense in discovery  
4 on November 25, 2020 and thus available to him when making his initial motions.  
5 Dkt. 135, at 2. Consequently, the email from Department of Homeland Security  
6 Attaché, Gregory A. Olvasky, may not serve as a basis for reconsideration.

7       While the government concedes that the information about Ms. Callahan is new,  
8 it contends the information is not a ground for reconsideration and the Court agrees.  
9 The revocation of Mr. Singh's visa appears to have been an administrative function  
10 based upon his conviction for sexual assault in the United Kingdom. The Court is  
11 unpersuaded that there is a sufficient degree of connection between the defendant's visa  
12 revocation and his requested materiality defense. From the record, once again, it  
13 appears the defendant has known for some time that his visa was revoked. The  
revocation does not constitute new facts justifying reconsideration.

14       The Court has fully considered the balance of facts identified by the defendant in  
15 his "proffer." Again, the record does not convince the Court that these are new facts.  
16 More importantly, nothing advanced in this motion alters the prior determination this  
17 Court reached on the defendant's requested opportunity to put on a materiality defense.  
18 The Court reaffirms that an agency's decision-making process, actual knowledge of the  
falsity of a statement, or actual reliance on that statement are all legally irrelevant to  
materiality.

19       For the foregoing reasons, the defendant's motion is **DENIED**.

20  
21       DATED this 26th day of August 2021.

22  
23  
24  
25         
The Honorable Richard A. Jones  
United States District Judge